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GOVERNMENT OF INDIA ACT, 1919.

(9 & 10 Geo. 5, Ch. 101.)

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GOVERNMENT OF INDIA ACT, 1919.

(9 & 10 Geo. 5, Ch. 101.)

An Act to make further provision with respect
to the government of India.

[23rd December, 1919.]

WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire :

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken :

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility :

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of
the

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

LOCAL GOVERNMENTS.

Classification
of central and
provincial
subjects.

1. (1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as “the principal Act”)—

- (a) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature;
- (b) for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments;
- (c) for the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency; and
- (d) for the transfer from among the provincial subjects of subjects (in this Act referred to as “transferred subjects”) to the administration of the governor acting with ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

(2) Without

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(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

- (i) regulate the extent and conditions of such devolution, allocation, and transfer;
- (ii) provide for fixing the contributions payable by local governments to the Governor-General in Council, and making such contributions a first charge on allocated revenues or moneys;
- (iii) provide for constituting a finance department in any province, and regulating the functions of that department;
- (iv) provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein;
- (v) provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject, and for the treatment of matters which affect both a transferred subject and a subject which is not transferred; and
- (vi) make such consequential and supplemental provisions as appear necessary or expedient:

Provided that, without prejudice to any general power of revoking or altering rules under the principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under the principal Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall

be

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be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified.

(4) The expressions "central subjects" and "provincial subjects" as used in this Act mean subjects so classified under the rules.

Provincial subjects, other than transferred subjects, are in this Act referred to as "reserved subjects."

Borrowing
powers of
local govern-
ments.

2. (1) The provision in sub-section (1) of section thirty of the principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in sub-section (1) of section thirty of the principal Act, which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money, shall cease to have effect as regards the power to raise money on the security of allocated revenues.

Revised
system of
local
government
in certain
provinces.

3. (1) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act.

The

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The said presidencies and provinces are in this Act referred to as "governor's provinces" and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of section forty-six to fifty-one of the principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, as they apply to the presidencies of Bengal, Madras, and Bombay : Provided that the governors of the said provinces shall be appointed after consultation with the Governor-General.

4. (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure.

Appoint-
ment of
ministers
and council
secretaries.

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

(2) No minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice : Provided that rules may be made under the principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(4) The governor of a governor's province may at his discretion appoint from among the non-official members of the local legislature council secretaries, who

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who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers, as he may assign to them.

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council.

A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

Qualification
of members
of local
executive
councils.

5. (1) The provision in section forty-seven of the principal Act, that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though "one" were substituted for "two," and the provision in that section that the Commander-in-Chief of His Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during his continuance there, be a member of the governor's council, shall cease to have effect.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by section forty-seven of the principal Act as amended by this section.

Business of
governor in
council and
governor
with minis-
ters.

6. (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province, and shall be authenticated as the governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The

(Part I.—Local Governments.)

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government :

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act as amended by this Act shall, to the extent of that repugnancy, but not otherwise, be void.

7. (1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of the members nominated or elected as provided by this Act.

Composition
of governors'
legislative
councils.

The governor shall not be a member of the legislative council, but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(2) The number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act; and of the members of each council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members :

Provided that—

(a) subject to the maintenance of the above proportions, rules under the principal Act may provide for increasing the number of members of any council, as specified in that schedule; and

(b) the governor may, for the purposes of any Bill introduced or proposed to be introduced

(Part I.—Local Governments.)

introduced in his legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the council, and shall be in addition to the numbers above referred to; and

- (c) members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the legislative council of the Central Provinces.

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

(4) Subject as aforesaid, provision may be made by rules under the principal Act as to—

- (a) the term of office of nominated members of governors' legislative councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise; and
- (b) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils, and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for governors' legislative councils, including the number of members to be elected by communal and other electorates

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electorates; and any matters incidental or ancillary thereto; and

- (d) the qualifications for being and for being nominated or elected a member of any such council; and
- (e) the final decision of doubts or disputes as to the validity of any election; and
- (f) the manner in which the rules are to be carried into effect:

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.

(5) Subject to any such rules any person who is a ruler or subject of any State in India may be nominated as a member of a governor's legislative council.

8. (1) Every governor's legislative council shall continue for three years from its first meeting:

Sessions and duration of governors' legislative councils.

Provided that—

- (a) the council may be sooner dissolved by the governor; and
- (b) the said period may be extended by the governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit; and
- (c) after the dissolution of the council the governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the council.

A governor may appoint such times and places for holding the sessions of his legislative council

(Part I.—*Local Governments.*)

council as he thinks fit, and may also, by notification or otherwise, prorogue the council.

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding.

(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Presidents
of governors'
legislative
councils.

9. (1) There shall be a president of a governor's legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor :

Provided that if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session.

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor.

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of

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of the council. They may resign office by writing under their hands addressed to the governor, and may be removed from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by an Act of the local legislature.

10. (1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province. Powers
of local
legislatures.]

(2) The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(a) imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the principal Act; or

(b) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty; or

(c) affecting

(Part I.—*Local Governments.*)

- (c) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces; or
- (d) affecting the relations of the government with foreign princes or states; or
- (e) regulating any central subject; or
- (f) regulating any provincial subject which has been declared by rules under the principal Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies; or
- (g) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force; or
- (h) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local legislature, is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction; or
- (i) altering or repealing any provision of an Act of the Indian legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local legislature without previous sanction :

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

11. (1) Sub-sections

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11. (1) Sub-sections (1) and (3) of section eighty of the principal Act (which relate to the classes of business which may be transacted at meetings of local legislative councils) shall cease to apply to a governor's legislative council, but the business and procedure in any such council shall be regulated in accordance with the provisions of this section.

Business and procedure in governors' legislative councils.

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed :

Provided that—

- (a) the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject; and
- (b) the governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department; and
- (c) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
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recommendation of the governor, communicated to the council.

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the council relating to the following heads of expenditure :

- (i) contributions payable by the local government to the Governor-General in Council; and
- (ii) interest and sinking fund charges on loans; and
- (iii) expenditure of which the amount is prescribed by or under any law; and
- (iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and
- (v) salaries of judges of the High Court of the province and of the Advocate-General.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the governor shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under the principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council, and as to the persons to preside over meetings thereof in the absence of the president and deputy-president,
and

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and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the governor in council, but may, subject to the assent of the governor, be altered by the local legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act, shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the council, there shall be freedom of speech in the governors' legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council, or by reason of anything contained in any official report of the proceedings of any such council.

12. (1) Where a Bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under the principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

Return and
reservation
of Bills.

(2) Where a Bill is reserved for the consideration of the Governor-General, the following provisions shall apply:—

(a) The governor, lieutenant-governor or chief commissioner may, at any time within six

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six months from the date of the reservation of the Bill, with the consent of the Governor-General, return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto :

- (b) After any Bill so returned has been further considered by the council, together with any recommendations made by the governor, lieutenant-governor or chief commissioner relating thereto, the Bill, if re-affirmed with or without amendment, may be again presented to the governor, lieutenant-governor, or chief commissioner :
- (c) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner but, if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—
 - (i) the Bill has been returned by the governor, lieutenant-governor or chief commissioner, for further consideration by the council; or
 - (ii) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.
- (3) The Governor-General may (except where the Bill has been reserved for his consideration) instead

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instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General.

13. (1) Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall, on signature by the governor, become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

Provision for case of failure to pass legislation in governors' legislative councils.

(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to :

Provided that where, in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall, as soon as practicable after being made, be laid before each House

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House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

Vacation of
seats in local
legislative
councils.

14. An official shall not be qualified for election as a member of a local legislative council, and if any non-official member of a local legislative council, whether elected or nominated, accepts any office in the service of the Crown in India, his seat on the council shall become vacant :

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister.

Constitution
of new pro-
vinces, etc.,
and provi-
sion as to
backward
tracts.

15. (1) The Governor-General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the principal Act or this Act relating to governors' provinces, or provinces under a lieutenant-governor or chief commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be a "backward tract," and may, by notification, with such sanction as aforesaid, direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that

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that any Act of the Indian legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the governor in council to give similar directions as respects any Act of the local legislature.

16. (1) The validity of any order made or ^{Saving.} action taken after the commencement of this Act by the Governor-General in Council or by a local government which would have been within the powers of the Governor-General in Council or of such local government if this Act had not been passed, shall not be open to question in any legal proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision such order or action has ceased to be within the powers of the Governor-General in Council or of the government concerned.

(2) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty-five of the principal Act, and the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject, as the case may be, and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(3) The validity of any order made or action taken by a governor in council, or by a governor acting with his ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to a transferred subject, or relates to a transferred subject of which the minister is not in charge.

PART II.

PART II.

GOVERNMENT OF INDIA.

Indian
legislature.

17. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

Council of
State.

18. (1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the principal Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative
Assembly.

19. (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the principal Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred :

Provided that rules made under the principal Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-sevenths of the members of the
Legislative

(Part II.—Government of India.)

Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

20. (1) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General, and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General: President of
Legislative
Assembly.

Provided that, if at the expiration of such period of four years the Assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

(2) There shall be a deputy-president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor-General, or may be removed from office by order of the Governor-General, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General,

(Part II.—Government of India.)

General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(5) A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and in the case of an elected president and a deputy-president by Act of the Indian legislature.

Duration and sessions of Legislative Assembly and Council of State.

21. (1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting :

Provided that—

(a) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

(c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State not more than nine months after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The

(Part II.—Government of India.)

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber

22. (1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant. Membership of both chambers.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

23. (1) Subject to the provisions of this Act, provision may be made by rules under the principal Act as to— Supplementary provisions as to composition of Legislative Assembly and Council of State.

(a) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise; and

(b) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly; and

(c) the

(Part II.—Government of India.)

- (c) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto; and
- (d) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly; and
- (e) the final decision of doubts or disputes as to the validity of an election; and
- (f) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly.

Business and
proceedings
in Indian
legislature.

24. (1) Sub-sections (1) and (3) of section sixty-seven of the principal Act (which relate to the classes of business which may be transacted by the Indian legislative council) shall cease to have effect.

(2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

(3) ~~If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such~~
amendments

amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of the principal Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

(Part II.—Government of India.)

Indian
budget.

25. (1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the legislative assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

- (i) interest and sinking fund charges on loans; and
- (ii) expenditure of which the amount is prescribed by or under any law; and
- (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and
- (iv) salaries of chief commissioners and judicial commissioners; and
- (v) expenditure classified by the order of the Governor-General in Council as—
 - (a) ecclesiastical;
 - (b) political;
 - (c) defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating

relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the legislative assembly in the form of demands for grants.

(6) The legislative assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the legislative assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the legislative assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the legislative assembly

(8) Notwithstanding anything in this section the Governor General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

26. (1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

Provision for case of failure to pass legislation.

(a) if the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature,

or

(Part II.—*Government of India.*)

or (as the case may be) in the form recommended by the Governor-General; and

- (b) if the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

Supple-
mental pro-
visions as to
powers of
Indian
legislature.

27. (1) In addition to the measures referred to in sub-section (2) of section sixty-seven of the principal Act, as requiring the previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of

of either chamber of the Indian legislature any measure—

- (a) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the principal Act to be subject to legislation by the Indian legislature;
- (b) repealing or amending any Act of a local legislature;
- (c) repealing or amending any Act or ordinance made by the Governor-General.

(2) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

28. (1) The provision in section thirty-six of the principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect.

Composition of Governor-General's executive council.

(2) The provision in section thirty-six of the principal Act as to the qualification of members of the council shall have effect as though the words "at the time of their appointment" were omitted, and as though after the word "Scotland" there were inserted the words "or a pleader of the High Court" and as though "ten years" were substituted for "five years."

(3) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision

is

[CH. 101] *Govt. of India Act, 1919. [9 & 10 Geo. 5.]*
(Part II.—Government of India. Part III.—Secretary of State in Council.)

is not made by section thirty-six of the principal Act as amended by this section.

(4) Sub-section (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a governor, the governor shall be an extraordinary member of the council) shall cease to have effect.

Appoint-
ment of
council
secretaries.

29. (1) The Governor-General may at his discretion appoint, from among the members of the Legislative Assembly, council secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature.

(3) A council secretary shall cease to hold office if he ceases for more than six months to be a member of the Legislative Assembly.

PART III.

SECRETARY OF STATE IN COUNCIL.

Payment of
salary of
Secretary of
State, etc.,
out of
moneys
provided by
Parliament.

30. The salary of the Secretary of State, the salaries of his under-secretaries, and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.

Council of
India.

31. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members :—

(1) The provisions of sub-section (1) shall have effect as though " eight " and " twelve " were

(*Part III.—Secretary of State in Council.*)

were substituted for "ten" and "fourteen" respectively, as the minimum and maximum number of members, provided that the council as constituted at the time of the passing of this Act shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

(2) The provisions of sub-section (3) shall have effect as if "one-half" were substituted for "nine" and "India" were substituted for "British India."

(3) In sub-section (4) "five years" shall be substituted for "seven years" as the term of office of members of the council, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision.

(4) The provisions of sub-section (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted:—

"There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds: provided that any member of the council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament."

(5) Notwithstanding anything in any Act or rules, where any person in the service of the Crown in India is appointed a member of the council before completion of the period of such service required to entitle

(Part III.—*Secretary of State in Council.*)

entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India.

Further provisions as to Council of India.

32. (1) The provision in section six of the principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect, and the Secretary of State shall provide for a quorum by directions to be issued in this behalf.

(2) The provision in section eight of the principal Act relating to meetings of the Council of India shall have effect as though "month" were substituted for "week."

(3) Section ten of the principal Act shall have effect as though the words "all business of the council or committees thereof is to be transacted" were omitted, and the words "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council" were inserted in lieu thereof.

Relaxation of control of Secretary of State.

33. The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the exercise of the powers of superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act.

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve

(Part III.—Secretary of State in Council.)

approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect.

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

34. So much of section five of the principal Act as relates to orders and communications sent to India from the United Kingdom and to orders made in the United Kingdom, and sections eleven, twelve, thirteen and fourteen of the principal Act, shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council.

Correspondence between Secretary of State and India.

35. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under

High Commissioner for India.

the

[CH. 101] *Govt. of India Act, 1919. [9 & 10 GEO. 5.]*
(Part III.—Secretary of State in Council. Part
IV.—The Civil Services in India.)

the principal Act or otherwise in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government.

PART IV.

THE CIVIL SERVICES IN INDIA.

The civil
services in
India.

36. (1) Subject to the provisions of the principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice, and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local governments,

(Part IV.—*The Civil Services in India.*)

ments, or authorise the Indian legislature or local legislatures to make laws regulating the public services :

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874.

(4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied, or added to by rules or laws made under this section.

37. (1) Notwithstanding anything in section ninety-seven of the principal Act the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with

Appoint-
ments to the
Indian Civil
Service.

(Part IV.—*The Civil Services in India.*)

with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

Any rules made under this section shall not have force until they have been laid for thirty days before both Houses of Parliament.

(2) The Indian Civil Service (Temporary Provi- 5 & 6 Geo. 5, s. 87.
sions) Act, 1915 (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination), shall have effect as though "three years" were substituted for "two years."

Public
service com-
mission.

38. (1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

Financial
control.

39. (1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Secretary of State in Council, no office may be added to or
withdrawn

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(*Part IV.—The Civil Services in India. Part V.—*
Statutory Commission.)

withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government.

40. Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India. Rules under
Part IV.

PART V.

STATUTORY COMMISSION.

41. (1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section. Statutory
commission.

(2). The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

PART VI.

PART VI.

GENERAL.

Modification
of s. 124 of
principal
Act.

42. Notwithstanding anything in section one hundred and twenty-four of the principal Act, if any member of the Governor-General's executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office, with the sanction in writing of the Governor-General, or, in the case of ministers, of the governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

Signification
of Royal
Assent.

43. Any assent or disallowance by His Majesty, which under the principal Act is required to be signified through the Secretary of State in Council, shall as from the passing of this Act be signified by His Majesty in Council.

Power to
make rules.

44. (1) Where any matter is required to be prescribed or regulated by rules under the principal Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

(2) Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces.

(3) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if

if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

45. (1) The amendments set out in Parts I and II of the Second Schedule to this Act, being amendments to incorporate the provisions of this Act in the principal Act, and further amendments consequential on or arising out of those provisions, shall be made in the principal Act, and any question of interpretation shall be settled by reference to the principal Act as so amended. The provisions of the principal Act specified in Part III of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with, in the manner shown in the second column of that schedule.

Amendments
of principal
Act to carry
Act into
effect, &c.

(2) Every enactment and word which is directed by the Government of India (Amendment) Act, 1916, or by this section and the Second Schedule to this Act, to be substituted for or added to any portion of the Government of India Act, 1915, shall form part of the Government of India Act, 1915, in the place assigned

(Part VI.—General.)

assigned to it by the Government of India (Amendment) Act, 1916, or that schedule; and the Government of India Act, 1915, and all Acts, including this Act, which refer thereto, shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the Government of India Act, 1915, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word.

A copy of the Government of India Act, 1915, with the amendments, whether by way of substitution, addition or omission, required by the Government of India (Amendment) Act, 1916, and by this section and the Second Schedule to this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the Government of India Act, 1915, which are printed after the passing of this Act, and the Government of India Act, 1915, as so amended, may be cited as "The Government of India Act."

Sub-section (9) of section eight of the Government of India (Amendment) Act, 1916, is hereby repealed.

Definition of
official.

46. In this Act the expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India :

Provided that rules under the principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the principal Act or this Act, or any of them, as officials.

Short title,
commence-
ment, inter-
pretation,
and tran-
sitory
provisions.

47. (1) This Act may be cited as the Government of India Act, 1919, and the principal Act, as amended by any Act for the time being in force, may be cited as the Government of India Act.

(2) This Act shall come into operation on such date or dates as the Governor-General in Council, with

(Part VI.—General.)

with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different provisions of this Act, and for different parts of India.

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or legislative council all the members of the council then in office shall go out of office, but may, if otherwise qualified, be re-appointed, re-nominated or re-elected, as the case may be, in accordance with the provisions of the principal Act as amended by this Act.

(3) Any reference in any enactment, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations or orders made under any such enactment, or in any letters patent or other document, to any enactment repealed by the principal Act, shall for all purposes be construed as references to the principal Act as amended by this Act, or to the corresponding provision thereof.

(4) Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment, or in any letters patent or other document, to any Indian legislative authority, shall for all purposes be construed as references to the corresponding authority constituted by the principal Act as amended by this Act.

(5) If any difficulty arises as to the first establishment of the Indian legislature or any legislative council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the Secretary of State in Council or the Governor-General in Council, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULES.

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
*(First Schedule.—Number of Members of Legislative
 Councils. Second Schedule—Part I.)*

SCHEDULES.

ction 7.

FIRST SCHEDULE.

NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS.

Legislative Council.	Number of Members.
Madras	118
Bombay	111
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

SECOND SCHEDULE.

ction 45.

PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table, subject to the modifications specified in the third column of that table:—

TABLE.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 1 .	To be inserted as a new section (45 A) after s. 45.	"this Act" to be substituted for "the Government of India Act, 1915, principal Act)," for "the principal Act," and for "that Act."
Section 3(1) .	To be substituted for s. 46(1)	—

Section 4

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 Geo. 5.]
(*Second Schedule—Part I.*)

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 4	To be substituted for s. 52	"this Act" to be substituted for "the principal Act."
Section 6	To be substituted for s. 49	"any other rules made under this Act" to be substituted for "any rules made under the principal Act as amended by this Act."
Sections 7, 8, 9	To be inserted as new sections (72A, 72B and 72C) after s. 72.	"this Act" to be substituted for "the principal Act."
Section 10	To be inserted as a new section (80A) after s. 80.	"this Act" to be substituted for "the principal Act"; "the commencement of the Government of India Act, 1919," to be substituted for "the commencement of this Act" and "such first-mentioned Act" to be substituted for "that Act" in sub-section (3).
Section 11	To be inserted as a new section (72D) after s. 72C.	The following sub-section to be substituted for sub-section (1) :— " (1) The provisions contained in this section shall have effect with respect to business and procedure in governors' legislative councils." "this Act" to be substituted for "the principal Act."
Section 12	To be inserted as a new section (81A) after s. 81.	"this Act" to be substituted for "the principal Act."
Section 13	To be inserted as a new section (72E) after s. 72D.	—
Section 14	To be inserted as a new section (80B) after s. 80A.	The following new section to be inserted at the end thereof :— "80C. It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the governor, lieutenant-governor or chief commissioner, any measure affecting the public revenues of a province or imposing any charge on those revenues."
Section 15	To be inserted as a new section (52A) after s. 52.	"this Act" to be substituted for "the principal Act or this Act" and for "the principal Act and this Act."

Section 16 (1) and (3)

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(Second Schedule—Part 1.)

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 16 (1) and (3).	To be inserted as a new section (52B) after s. 52A.	"the Government of India Act, 1919," to be substituted for "this Act," where those words first occur, and "that Act" to be substituted for "this Act," where those words secondly occur, and "that Act or this Act" to be substituted for "this Act" where those words thirdly occur.
Section 16 (2)	To be inserted as a new sub-section (2) of s. 34.	"Nothing in the Government of India Act, 1919, or this Act" to be substituted for "Nothing in this Act" and "this Act" to be substituted elsewhere for "the principal Act."
Ss. 17-23 inclusive.	To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D, 63E, and 64.	"this Act" to be substituted for "the principal Act."
Section 24 (2)	To be inserted as subs. (1) of s. 67 in lieu of the existing sub-section (1).	"this Act" to be substituted for "the principal Act."
Section 24 (3)-(7).	To be inserted as sub-sections (3)-(7) of section 67 in lieu of the existing sub-section (3).	"this Act" to be substituted for "the principal Act."
Sections 25 and 26.	To be inserted as new sections (67A and 67B) after s. 67.	—
Section 29	To be inserted as a new section (43A) after s. 43.	—
Section 33	To be inserted as a new section (19A) after s. 19.	"this Act" to be substituted for "the principal Act" and "the Government of India Act, 1919," to be substituted for "this Act."
Section 34	To be inserted as a new section (11) in lieu of sections 1 to 14 inclusive.	For the words from the beginning of the section down to and including the words "effect and" there shall be substituted the words "Subject to the provisions of this Act."
Section 35	To be inserted as a new section (29A) after s. 29.	"this Act" to be substituted for "the principal Act."
Sections 36, 38, 39, and 40.	To be inserted as new sections (96B, 96C, 96D, and 96E) after section 96A, constituting a new Part (VIIA) after Part VII.	"this Act" to be substituted for "the principal Act," and "the Government of India Act, 1919," to be substituted for "this Act," except in s. 40.

Section 37 (1)

[CH. 101] Govt. of India Act, 1919. [9 & 10 Geo. 5.]
(Second Schedule—Parts I and II.)

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 37 (1)	To be inserted as a new sub-section (6) of s. 97.	"this section" to be substituted for "section ninety-seven of the principal Act," and "any rules made under this sub-section" to be substituted for "any rules made under this section."
Section 41	To be inserted as a new section (84A) after s. 84, constituting a new Part (VIA) after Part VI.	"the Government of India Act, 1919," to be substituted for "this Act."
Section 42	To be inserted as a proviso to s. 124.	"Provided that notwithstanding anything in this Act" to be substituted for "Notwithstanding anything in section one hundred and twenty-four of the principal Act."
Section 44	To be inserted as a new section (129A) at the beginning of Part XII.	"this Act" to be substituted for "the principal Act" and for "this Act or under the principal Act."
Section 46	To be inserted as a new paragraph at the end of s. 134.	"in this Act" to be omitted and "this Act" to be substituted for "the principal Act" and for "the principal Act or this Act."
Section 47 (3) and (4).	To be inserted as new paragraphs at the end of s. 130.	"this Act" to be substituted for "the principal Act" and for "the principal Act as amended by this Act."
First Schedule	To be inserted in lieu of Schedule I.	

PART II.

The provisions of the principal Act specified in the first column of this table shall be amended in the manner shown in the second column.

TABLE.

Section of Act.	Amendment.
2	<p>In sub-section (2) "or rules made thereunder" shall be inserted after "this Act."</p> <p>The following sub-section shall be substituted for sub-section (3):—</p> <p>"(3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament."</p>

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(*Second Schedule—Part II.*)

Section of Act.	Amendment.
3 (1)	<p>"eight" shall be substituted for "ten," and "twelve" shall be substituted for "fourteen," and the following words shall be inserted at the end of the sub-section:—</p> <p>"Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision."</p>
3 (3)	<p>"one-half" shall be substituted for "nine," and "India" shall be substituted for "British India."</p>
3 (4)	<p>"five years" shall be substituted for "seven years," and the following words shall be inserted at the end of the sub-section:—</p> <p>"Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed."</p>
3 (8)	<p>The following sub-sections shall be substituted for this sub-section:—</p> <p>"(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds: Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds. Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament.</p> <p>(9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India."</p>
5	<p>The words of this section from and including the words "but every order" to the end of the section shall be omitted.</p>
6	<p>For "not less than five members are present" there shall be substituted "such number of members are present as may be prescribed by general directions of the Secretary of State."</p>
8	<p>For "week" there shall be substituted "month."</p>
10	<p>For "all business of the Council or committees thereof is to be transacted" there shall be substituted "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council."</p>
19	<p>The words of this section from the beginning down to and including "Provided that" shall be omitted.</p>
20 (2) (d)	<p>After "under this Act" there shall be inserted "except so far as is otherwise provided under this Act."</p>

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(Second Schedule—Part II.)

Section of Act.	Amendment.
21	At the beginning of this section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
27 (9)	After "revenues of India" there shall be inserted "or out of moneys provided by Parliament."
29	In sub-section (1) at the beginning there shall be inserted the words :— "Subject to the provisions of this Act regarding the appointment of a High Commissioner for India."
30	After sub-section (1) the following sub-section shall be inserted :— "(1A) A local Government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable." In sub-section (2) "sub-section (1) of this section" shall be substituted for "this section."
31	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
33	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
35	This section shall be omitted.
36	"ordinary" in sub-sections (1) and (2) shall be omitted. In sub-section (2) for the words from and including "five or" to the end of the sub-section there shall be substituted "such as His Majesty thinks fit to appoint." In sub-section (3) "at the time of their appointment" shall be omitted, after "Scotland" there shall be inserted "or a pleader of a High Court," and "ten" shall be substituted for "five." In sub-section (4) for "person appointed an ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)." At the end of the section the following new sub-section shall be inserted :— "(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's executive Council in any case where such provision is not made by the foregoing provisions of this section."
37	The following section shall be substituted for section thirty-seven :— "37. If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General."
39	In sub-section (2) for "one ordinary member of the council" there shall be substituted "one member of the council (other than the Commander-in-Chief)."

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(Second Schedule—Part II.)

Section of Act.	Amendment.
40	At the end of sub-section (1) there shall be inserted—" and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council."
42	For "ordinary member" there shall be substituted "member (other than the Commander-in-Chief)."
45	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
46	The following sub-section shall be substituted for sub-section (2) :— "(2) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual, and the governors of the said provinces shall be so appointed after consultation with the Governor-General." In sub-section (3) "the governors' provinces" shall be substituted for "those presidencies" and "province" shall be substituted for "presidency."
47	In sub-section (2) "One at least of them must be a person who at the time of his appointment has been" shall be substituted for "Two at least of them must be persons who at the time of their appointment have been." The following sub-section shall be substituted for sub-section (3) :— "(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section."
48	"province" shall be substituted for "presidency."
50 (2)	"province" shall be substituted for "presidency."
53 (1)	For the words from the beginning down to "the Punjab and" (inclusive) there shall be substituted "The province of," and the words "with or without an executive council" shall be omitted.
57	At the end of the section there shall be inserted "An order made as aforesaid shall not be called into question in any legal proceedings on the ground that it was not duly made by the lieutenant-governor in council."
58	"Assam, the Central Provinces," shall be omitted.
65	For "Governor-General in Legislative Council" there shall be substituted "Indian legislature."
67	"either chamber of the Indian legislature" shall be substituted for "the council." At the end of sub-section (2) the following shall be inserted— "or any measure— (i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature; or (ii) repealing or amending any Act of a local legislature; or (iii) repealing or amending any Act or ordinance made by the Governor-General. (2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment; and effect shall be given to such direction."

(*Second Schedule—Part II.*)

Section of Act.	Amendment.
68	<p>"Bill" shall be substituted for "Act" and "a Bill" for "an Act;"</p> <p>"by both chambers of the Indian legislature" shall be substituted for "at a meeting of the Indian Legislative Council," and "whether he was or was not present in council at the passing thereof" shall be omitted.</p> <p>"A Bill passed by both chambers of the Indian legislature shall not become an Act" shall be substituted for "An Act of the Governor-General in Legislative Council has not validity."</p> <p>"in Council" shall be inserted after "His Majesty" and "to the Governor-General through the Secretary of State in Council" shall be omitted.</p>
69	<p>"Indian legislature" shall be substituted for "Governor-General in Legislative Council;" "in Council;" shall be inserted after "His Majesty" and "through the Secretary of State in Council" shall be omitted.</p>
70	This section shall be omitted.
71 (2)	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
72	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
73	<p>In sub-section (1) "a governor or of" shall be omitted and "and of members nominated or elected as hereinafter provided" shall be substituted for "with the addition of members nominated or elected in accordance with rules made under this Act."</p> <p>In sub-section (3), "as hereinafter provided" shall be substituted for "in accordance with rules made under this Act."</p> <p>Sub-section (4) shall be omitted.</p>
74	This section shall be omitted.
75	This section shall be omitted.
76	<p>In sub-section (1) "section" shall be substituted for "Act" and the following proviso shall be substituted for the existing proviso:—</p> <p>"Provided that the number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred."</p> <p>In sub-section (2) "Non-officials" shall be substituted for "persons not in the civil or military service of the Crown in India."</p> <p>In sub-section (4) "Indian legislature or the local legislature" shall be substituted for "Governor-General in Legislative Council."</p>
78	<p>The following provision shall be inserted at the beginning of sub-section (1):—</p> <p>"A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times and places for holding the session of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of the legislative council of a lieutenant-governor or a chief commissioner may be adjourned by the person presiding."</p>

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(*Second Schedule—Part II.*)

Section of Act.	Amendment.
	<p>In sub-section (2) "in accordance with rules made under this Act" shall be omitted.</p> <p>For sub-section (3) the following sub-sections shall be substituted:—</p> <p>"(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes.</p> <p>(4) Subject to rules affecting the council there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners. No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils, or by reason of anything contained in any official report of the proceedings of those councils."</p>
79	This section shall be omitted.
80	<p>In sub-section (1) after "local legislative council," there shall be inserted "(other than a governor's legislative council)."</p> <p>Sub-section (2) shall be omitted.</p> <p>In sub-section (3) after "local government" there shall be inserted "of a province other than a governor's province," the word "Governor," where it occurs immediately before the word "Lieutenant-Governor," shall be omitted, and "Indian legislature" shall be substituted for "Governor-General in Legislative Council."</p> <p>At the end of the section the following new sub-sections shall be inserted:—</p> <p>"(4) The local Government of any province (other than a governor's province) for which a local legislative council is hereafter constituted under this Act shall, before the first meeting of that council, and with the sanction of the Governor-General in Council, make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council).</p> <p>(5) The local legislature of any such province may, subject to the assent of the lieutenant-governor or chief commissioner, alter the rules for the conduct of legislative business in the local council (including rules prescribing the mode of promulgation and authentication of laws passed by the council) but any alteration so made may be disallowed by the Governor-General in Council, and if so disallowed shall have no effect."</p>
81	<p>Throughout sub-sections (1) and (2) and in sub-section (3) where it first occurs, for "Act," there shall be substituted "Bill" and in sub-section (1) "by" shall be substituted for "at a meeting of."</p> <p>For "an Act" there shall be substituted "a Bill," and for "has no effect" there shall be substituted "shall not become an Act."</p>
82	<p>For "any such Act" where those words occur for the first and third times, there shall be substituted "an Act," and for those words where they occur for the second time there shall be substituted "the Act."</p> <p>In sub-section (1) after "His Majesty" there shall be inserted "in Council" and the words "through the Secretary of State in Council" shall be omitted.</p>
83	This section shall be omitted.

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(*Second Schedule—Part II.*)

Section of Act.	Amendment.
84	<p>"an Act of the Indian legislature" shall be substituted for "a law made by the Governor-General in Legislative Council," and "non-official members" shall be substituted for "members not holding office under the Crown in India."</p> <p>In paragraph (c) "an Act of" shall be substituted for "a law made by."</p>
86	In sub-section (1) "ordinary" shall be omitted, and after the words "Executive Council" where they first occur there shall be inserted the words "(other than the Commander-in-Chief)."
87	"ordinary" shall be omitted, and after "Governor-General," where it occurs for the second time, there shall be inserted "(other than the Commander-in-Chief)."
89	In sub-section (4) for "ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief)."
90	<p>In sub-section (1) after "Governor" there shall be inserted "of a presidency."</p> <p>In sub-section (4) "ordinary" shall be omitted, and after "executive council" there shall be inserted "(other than the Commander-in-Chief)."</p>
92	<p>"a member" shall be substituted for "an ordinary member" and for "any ordinary member," and after "executive council of the Governor-General" there shall be inserted "(other than the Commander-in-Chief)."</p> <p>In sub-section (5) (a) "under this Act" shall be omitted.</p>
93 (1)	"either chamber of the Indian legislature" shall be substituted for "the Indian Legislative Council."
95	Before "offices" wherever that word occurs, before "officers," and before "promotions" where it occurs for the second time, there shall be inserted "military."
97	"Section 96 A of this Act" shall be substituted for "the last foregoing section."
110	In sub-section (1) after "Governor or Lieutenant-Governor" there shall be inserted "and a minister appointed under this Act."
124	In sub-section (4) after "Lieutenant-Governor" where it secondly occurs, there shall be inserted "or being a minister appointed under this Act."
131	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(Second Schedule—Part II.)

Section of Act.	Amendment.																										
134 (4)	The following paragraph shall be substituted for paragraph (4) :— “(4) “Local government” means in the case of a governor's province, governor in council or the governor acting with ministers (as the case may require), and, in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner. “Local legislative council” includes the legislative council in any governor's province, and any other legislative council constituted in accordance with this Act. “Local legislature” means, in the case of a governor's province, the governor and the legislative council of the province, and, in the case of any other province, the lieutenant-governor or chief commissioner in legislative council.”																										
135	The following section shall be substituted for section 135 :— “135. This Act may be cited as the Government of India Act.”																										
Second Schedule.	The following Schedule shall be substituted for the Second Schedule :— <p style="text-align: center;">SECOND SCHEDULE.</p> <p style="text-align: center;">OFFICIAL SALARIES, &C.</p> <table> <tr> <th>Officer.</th><th>Maximum Annual Salary.</th></tr> <tr> <td>Governor-General of India</td><td>Two hundred and fifty-six thousand rupees.</td></tr> <tr> <td>Governor of Bengal, Madras, Bombay, and the United Provinces.</td><td>One hundred and twenty-eight thousand rupees.</td></tr> <tr> <td>Commander-in-Chief of His Majesty's forces in India.</td><td>One hundred thousand rupees.</td></tr> <tr> <td>Governor of the Punjab and Bihar and Orissa.</td><td>One hundred thousand rupees.</td></tr> <tr> <td>Governor of the Central Provinces</td><td>Seventy-two thousand rupees.</td></tr> <tr> <td>Governor of Assam.</td><td>Sixty-six thousand rupees.</td></tr> <tr> <td>Lieutenant-governor.</td><td>One hundred thousand rupees.</td></tr> <tr> <td>Member of the Governor-General's executive Council (other than the Commander-in-Chief).</td><td>Eighty thousand rupees.</td></tr> <tr> <td>Member of the executive council of the governor of Bengal, Madras, Bombay, and the United Provinces.</td><td>Sixty-four thousand rupees.</td></tr> <tr> <td>Member of the executive council of the governor of the Punjab and Bihar and Orissa.</td><td>Sixty thousand rupees.</td></tr> <tr> <td>Member of the executive council of the governor of the Central Provinces.</td><td>Forty-eight thousand rupees.</td></tr> <tr> <td>Member of the executive council of the governor of Assam.</td><td>Forty-two thousand rupees.</td></tr> </table>	Officer.	Maximum Annual Salary.	Governor-General of India	Two hundred and fifty-six thousand rupees.	Governor of Bengal, Madras, Bombay, and the United Provinces.	One hundred and twenty-eight thousand rupees.	Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.	Governor of the Punjab and Bihar and Orissa.	One hundred thousand rupees.	Governor of the Central Provinces	Seventy-two thousand rupees.	Governor of Assam.	Sixty-six thousand rupees.	Lieutenant-governor.	One hundred thousand rupees.	Member of the Governor-General's executive Council (other than the Commander-in-Chief).	Eighty thousand rupees.	Member of the executive council of the governor of Bengal, Madras, Bombay, and the United Provinces.	Sixty-four thousand rupees.	Member of the executive council of the governor of the Punjab and Bihar and Orissa.	Sixty thousand rupees.	Member of the executive council of the governor of the Central Provinces.	Forty-eight thousand rupees.	Member of the executive council of the governor of Assam.	Forty-two thousand rupees.
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Third

[CH. 101] *Govt. of India Act, 1910.* [9 & 10 GEO. 5.]
(Second Schedule—Part II.)

Section of Act.	Amendment.
Third Schedule.	<p>The following Schedule shall be substituted for the Third Schedule :—</p> <p style="text-align: center;">THIRD SCHEDULE.</p> <p style="text-align: center;">OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.</p> <p><i>A.—Offices under the Governor-General in Council.</i></p> <ol style="list-style-type: none"> 1. The offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments : Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department as the case may be need not be so filled. 2. Three offices of Accountants General. <p><i>B.—Offices in the provinces which were known in the year 1861 as “ Regulation Provinces.”</i></p> <p>The following offices, namely :—</p> <ol style="list-style-type: none"> 1. Member of the Board of Revenue. 2. Financial Commissioner. 3. Commissioner of Revenue. 4. Commissioner of Customs. 5. Opium Agent. 6. Secretary in every department except the Public Works or Marine Departments. 7. Secretary to the Board of Revenue. 8. District or sessions judge. 9. Additional district or sessions judge. 10. District Magistrate. 11. Collector of Revenue or Chief Revenue Officer of a district. <p>Fifth Schedule “ Indian legislature ” shall be substituted in the heading for “ Governor-General in Legislative Council.”</p>

Note.—In parts I and II of the Second Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated, to that word or expression wherever the word or expression occurs in that provision.

PART III.

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(*Second Schedule—Part III.*)

PART III.

Section of Act.	How dealt with.
16	To be omitted.
42	" and signifies his intended absence to the Council " shall be omitted.
45 (2)	To be omitted.
51	" and signifies his intended absence to the Council " and " civil " shall be omitted.
54 (3)	To be omitted.
55 (1)	In paragraph (b) after " illness or otherwise " there shall be inserted " and for supplying a vacancy until it is permanently filled "
65	In sub-section (1) (d) " airmen " shall be inserted after " soldiers " and " or the Air Force Act " shall be inserted after " the Army Act."
67	In sub-section (2) (i) " the Air Force Act " shall be inserted after " the Army Act."
67	" naval, or air " shall be substituted for " or naval "
73 (2)	To be omitted.
81	In sub-section (1) " whether he was or was not present in Council at the passing of the Act " shall be omitted.
85	The following proviso shall be inserted at the end of sub-section (3) :— " Provided that nothing in this sub-section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council."
87	For " subject to the foregoing provisions of this Act as to leave of absence " there shall be substituted " save in the case of absence on special duty or on leave under a medical certificate " After " council of a governor " there shall be inserted " or of a lieutenant-governor "
88	To be omitted.
89	" entitled under a conditional appointment to succeed to the office of Governor-General, or " and " absolutely " shall be omitted, and for " that office " there shall be substituted " the office of Governor-General "
90	In sub-section (1) " conditional or other " shall be omitted. In sub-section (3) for " this Act " there shall be substituted " section eighty-nine of this Act," and " respecting the assumption of the office by a person conditionally appointed to succeed thereto " shall be omitted. In sub-section (4) " conditional or other " shall be omitted.
91	In sub-section (1) " conditional or other " shall be omitted.

[CH. 101] *Govt. of India Act, 1919.* [9 & 10 GEO. 5.]
(Second Schedule—Part III.)

Section of Act.	How dealt with.
92	<p>In sub-section (1) "conditional or other" shall be omitted.</p> <p>In sub-section (3) "then, if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person, and if no person conditionally appointed to succeed to the office is on the spot" shall be omitted.</p> <p>In sub-section (4) "conditionally or" shall be omitted.</p>
115	<p>At the end of sub-section (1) the following shall be inserted :—</p> <p>"His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof"</p> <p>At the end of sub-section (2) the following shall be inserted :—</p> <p>"and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop."</p>
118	<p>In sub-section (1) "and archdeacons" shall be omitted, and after "letters patent" there shall be inserted "and the archdeacons of those dioceses by their respective diocesan bishops"</p>

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